

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL EXECUTIVE COMMITTEE MEETING
November 21, 2002
MAG Offices
302 North 1st Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor Wendy Feldman-Kerr Queen Creek, Chairman	* Mayor Roy Delgado, El Mirage
* Mayor Joan Shafer Surprise, Vice Chairman	Mayor Mary Manross, Scottsdale (via audio conference).
Mayor Keno Hawker, Mesa	* Mayor Skip Rimsza, Phoenix
Mayor Bill Arnold, Goodyear	

* Not present

1. Call to Order

The Executive Committee meeting was called to order by Chairman Wendy Feldman-Kerr at 12:20 p.m.

3. Transportation Policy Committee Update

Dennis Smith provided an update on the activities of the October 23 and November 23 , 2002 Transportation Policy Committee meetings. He noted that the TPC extended the date to submit projects. Mr. Smith stated that HDR Engineering reviewed the conceptual scope of work with the TPC to ensure that the overall direction of Phase II is in accord with the expectations of the members. HDR will be preparing a presentation for the next TPC meeting on December 18, 2002. He also noted that there is an Arizona COG directors meeting on November 25, 2002.

2. Approval of the October 21, 2002 Executive Committee Meeting Minutes

Mayor Keno Hawker moved to approve the minutes of the October 21, 2002 Executive Committee meeting. Mayor Bill Arnold seconded, and the motion carried unanimously.

4. Request for Qualifications for the Transportation Policy Committee Information Program

Mr. Smith stated that at the November 13, 2002 Transportation Policy Committee meeting, the TPC recommended that the Interim Executive Director negotiate a contract with the consulting firm SR Beard and Associates to implement a TPC Information Program for an amount of \$60,000. He explained that the Regional Council would ratify the Executive Committee's decision at the December 11, 2002 Regional Council meeting. Mr. Smith introduced Kelly Taft, Communications Manager. Ms. Taft referenced the TPC Public Involvement team Task Matrix. She noted that the public involvement component falls under Gunn Communications. Gunn Communications is primarily responsible for gathering input on the Regional Transportation Plan from citizens and

under represented communities. Ms. Taft noted that Gunn will develop survey instruments, conduct polling, hold focus groups and public meetings, and produce fact sheets and brochures.

Ms. Taft stated that the second component is two-way communication, which will be handled by S.R. Beard & Associates. She noted that S.R. Beard focus on transportation stakeholder, including broader business community, special interest and media. Ms. Taft noted that S.R. Beard will provide briefings to stakeholders, develop messages and disseminate information to the public by working with editorial boards and the media.

Ms. Taft explained the third component of providing public policy expertise and guidance will be done by Cantelme, Kaasa & Associates. She noted that Kaasa will be responsible for identifying community needs that should be addressed in the Plan, and developing relationships with key constituencies to determine how best to meet the needs of the business community, transportation stakeholders, and the public.

Mayor Keno Hawker made a motion to authorize the MAG Interim Executive Director to negotiate a contract with S.R. Beard and Associates to implement a TPC Information Program for an amount not to exceed \$60,000 and for the Executive Committee action to be ratified at the December 11, 2002 Regional Council meeting. Mayor Arnold second, and the motion carried unanimously.

6. Discussion and Recommendation of Regional Development Scope of Work and Preferred Funding Option

Jack Tomasik stated that the overall goals of the draft scope of work are information and analysis of the region to assist member agencies in decision-making and to help communities and the region prosper. He noted that it's November 20, 2002 meeting, the Management Committee recommended staffing Option 4: Hire GIS Analyst/Remainder with Consultant/Associates. This option is to hire the GIS Analyst as a full-time staff position, and to complete the remainder of the work scope with consultants or associates (estimated \$171,000). Mr. Smith noted that he asked the Management Committee's opinion regarding a focus on subregional or member agency. He noted that there was no real direction from the Committee.

Mayor Hawker recommended keeping both options available. He noted that some jurisdictions do not break down by community. Mayor Hawker also stated that this will compliment the REMI model. Mr. Smith noted that most members were comfortable with the 18 month evaluation process. Mayor Hawker asked the specific time frame, and recommended getting the date on peoples calendars. Mr. Smith noted that the 18 month evaluation period will fall in direct relation to the development of the Work Program.

Mayor Hawker made a motion to approve the Regional Development Scope of Work and preferred funding Option 4: Hire GIS Analyst/Remainder with Consultant/Associates. This option is to hire the GIS Analyst as a full-time staff position, and to complete the remainder of the work scope with consultants or associates (estimated \$171,000). Mayor Arnold second, and the motion carried unanimously.

5. Air Quality Update

Lindy Bauer gave an update on the lawsuit filed by the Arizona Center for Law in the Public Interest challenging EPA's approval of the MAG Serious Area Particulate Plan for PM-10. Ms. Bauer stated that the Center had submitted its brief on October 21, 2002. The main arguments are that the Plan fails to include CARB diesel fuel, and agricultural controls do not comply with requirements for best available control measures and most stringent measures. She added that the brief says that the EPA abused its discretion in granting the State an extension of the attainment date to December 31, 2006. Ms. Bauer stated that the Center requested that the Court determine that the Plan is inadequate, and vacate EPA's key determinations on the plan. The Center also requested that EPA be required within six months to revise the determinations, require the State to revise the Plan, or impose a federal plan. Ms. Bauer stated that the due date for EPA's brief was extended to December 19, 2002. A copy of EPA's brief would be provided to the Committee when it is received.

Ms. Bauer stated that if the Center wins the case and the court vacates the approval consequences could include loss of federal highway funds, stoppage of major transportation projects, and imposition of EPA's own plan, if the situation is not remedied. Ms. Bauer stated that at their October 30, 2002 meeting, the Regional Council approved developing a unified strategy for effective representation for the region. Ms. Bauer stated that the Arizona Department of Environmental Quality and MAG staffs have been reviewing the brief carefully.

Mayor Hawker asked about the wind speed issue associated with the no tilling on high wind days agriculture measure in California and why Arizona cannot implement it here. Ms. Bauer explained that California is restricted from tilling on high wind days. The Agricultural Best Management Practices Committee established by the Legislature developed the agriculture measures. According to Maricopa County data for a high PM-10 day in July 2002, it appeared that wind started to have an effect on PM-10 when the speed reached approximately 15 miles per hour. She noted that California has nine measures to uphold while Arizona only has three. Mayor Hawker asked how many times winds get over 15 mph here in the Valley. Ms. Bauer stated that she will check with the County on those figures. Mr. Smith noted that this issue could end up in the Legislature and Mayor Arnold may be dealing with this in his new position with the State Legislature.

Mr. Smith then asked Ms. Bauer to describe the Regional Council position on CARB diesel. Regarding CARB diesel, the MAG Regional Council had approved fourteen potential measures for consideration which may be the most stringent in any state for PM-10 sources located in the Maricopa nonattainment area and requested that the potential implementing entities consider them for implementation, if feasible. Also, in 1999, the MAG Regional Council had approved the Brown Cloud Project which included a clean burning diesel fuel measure to improve visibility. Since CARB diesel is a clean fuel, MAG had testified in favor of CARB diesel at the Legislature. The Legislature has the authority over fuel and ultimately determined that CARB diesel was not feasible for implementation.

She noted that if EPA loses the case, the most drastic consequences would be that the Region is five months away from losing federal highway money, five months away from stopping all transportation projects, and five months away from federally enforced measures. Chairman

Feldman-Kerr asked if a federal plan was brought in, how much different would it be from our plan now. Ms. Bauer stated that EPA could come in and take all the same measures as MAG already has. It is difficult to predict the Court at this time. Mr. Smith explained that the Legislature would only get involved if EPA lost. Mayor Hawker asked about the compliance with PM-2.5. Ms. Bauer indicated that according to data from the State and County, the region is in compliance with the PM-2.5 standard. The Center believes that Arizona should have CARB diesel because California has had it for years. She explained the PM-2.5 that comes from tail pipe exhaust is much more of a contributor to the visibility problem.

Ms. Bauer then discussed the new eight hour ozone standard. The Environmental Protection Agency will be designating the nonattainment boundaries for this standard by April 15, 2004. The State of Arizona will be submitting its recommendations on the boundaries in April 2003. Mayor Hawker asked how this all fits into conformity. Ms. Bauer stated that the eight hour ozone standard is a primary pollutant and conformity will be required.

Chairman Feldman-Kerr asked if the Committee had any other questions. She stated that this item was for information and discussion only.

7. Discussion of Regional Council Retreat

Chairman Feldman-Kerr stated that the Regional Council Retreat will be held on January 10, 2003, and this year will be before the Management Committee Retreat. The managers thought this was a better structure so they will be able to follow through on policies that the Regional Council develops. Denise McClafferty gave a review of past retreats and their locations. She stated that the last two retreats were held at the Airport Marriott, and prior to that at the Glendale Civic Center in 2000 and the Buttes Resort in 1999. Ms. McClafferty noted that the retreats typically run from 8:30 a.m. to 1:00 p.m. focusing on upcoming issues and policies for the coming year. She also noted that there have been guest speakers and facilitators in the past.

Chairman Feldman-Kerr stated key points that she would like to see the Regional Council focus on next year, including communication, TPC with tax and polling, environmental, and growth in the Valley. Mayor Hawker suggested having a speaker from San Diego join the retreat to talk about San Diego's report card. Mr. Smith briefly discussed San Diego's report and how MAG measured poorly. Chairman Feldman-Kerr asked why we are failing and if we are really failing. She noted that we should look at how we use methods, not why we are failing. Mayor Hawker suggested that the Executive Committee have a chance to meet with any San Diego speaker prior to the retreat. Chairman Feldman-Kerr stated that she believe that there should be a facilitator.

8. Executive Director's Recruitment Update

Chairman Feldman-Kerr stated that the process is on track. She stated that the Management Subcommittee will meet on December 2nd to choose the final candidates. That number is expected to be between 4 and 6 candidates. Chairman Feldman-Kerr stated that there is an informal "meet and greet" reception scheduled for Thursday, December 19, 2002 at 4:00 p.m. at the Hyatt Regency Phoenix in the Atrium on the 2nd Floor. She stated that the Regional Council, Management Committee, Intergovernmental Liaisons, and the MAG Managers are invited to attend. Chairman

Feldman-Kerr stated that the interviews will be held the next day, Friday, December 20th, in the MAG office building in the Cholla Room. Based on the number of candidates, the interviews should take a majority of the day. Mayor Hawker suggested that the candidates introduce themselves at the “meet and greet.” Chairman Feldman-Kerr agreed.

9. Adjournment of Executive Committee

There being no further business, Mayor Hawker moved to adjourn the meeting. Mayor Arnold seconded, and the meeting was adjourned at 1:20 p.m.

Chairman

Secretary